

**Comments to the Claim Rejections - 35 USC 112:**

**EXAMINERS REMARKS:**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112: etc.
2. Claims 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, "said open/closure means" lacks antecedent basis.

In claim 6, "said internally threaded receptacle" lacks antecedent basis.

**APPLICANTS REPLY:**

In reply to the above rejections, we respectfully request the Examiner to kindly note original claim 4 should have been dependant upon claim 3 not 1, this was a clerical error and has been corrected within the newly amended claim 4 as presented herewith.

Also, claim 6 as herein presented has been addressed wherein "said internally threaded receptacle" has been changed to "an internally threaded receptacle" and corrected accordingly.

**EXAMINERS REMARKS:**

**Information Disclosure Statement:**

3. The information disclosure statement filed 2/19/04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it is not a proper form for an IDS, etc.

**APPLICANTS REPLY:**

We respectfully request the Examiner to disregard the previously filed "IDS" as the information referred to therein is now not considered to be pertinent to the application with regard to cited prior art.

Comments to the Claim Rejections - 35 USC 102:

EXAMINERS REMARKS:

4. "The following is a quotation of the appropriate paragraphs of 35 U.S.C 102 that form the basis for the rejections under this section made in this Office action:" etc.

5. "Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Schumacher et al. (5,465,835). Schumacher discloses, in fig. 12, a bottle-cap 11 comprising limitations substantially as claimed."

6. "Claims 1-3 are rejected under 35 U.S.C 102(b) as being anticipated by Rosenberg (Pub. US 2002/0130126). Rosenberg discloses, in fig. 3, a bottle-cap 14 comprising limitations substantially as claimed."

APPLICANTS REPLY:

Reconsideration of the above rejection(s) is respectfully requested as it is contended by the applicants that the newly amended claims now more clearly define over the prior art. Namely, Schumacher et al 835' is **very complicated and is not formed from only two interconnecting parts, as is the present invention. Schumacher clearly is formed from three parts with the third being a beaker that is contained within the top section thereof.** Furthermore, the compartment is the beaker as the top and bottom sections are clearly in open communication and do not form a compartment as clearly taught within the present invention.

Regarding Rosenberg, the applicants contend that this is considered non-analogous art as it is completely not related to attachment onto a pre-existing externally threaded beverage container. Also, within the newly amended claim 3 the present invention is integrally formed which proves to be most advantageous and provides unusual results not attained within the prior art. Also, within newly presented claims 1 & 3 the attachment means and function are now more clearly defined and should now define over the prior art.

**EXAMINERS REJECTIONS:**

7. "Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorenson et al. (6,681,958). Sorenson discloses, in fig. 5b, a bottle cap 40 comprising limitations substantially as claimed.

8. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Willingham et al. (5,769,263). Willingham discloses, in fig. 3, a bottle cap 14 comprising limitations substantially claimed."

**APPLICANTS REMARKS:**

Reconsideration of the above rejections is respectfully requested as Sorenson and Willingham et al are not integrally made as now claimed within newly amended claims 3 & 4 which proves to be most advantageous. Also, the removable lid is now more clearly defined as being a removable lid member that is frictionally removably retained within a recess formed within said housing.

**EXAMINERS REJECTIONS:**

9. "Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourgeois. (5,287,979).

Bourgeois discloses, in fig. 3, a bottle cap comprising an upper section being attachable together and having releasable attachment means 7, 8."

**APPLICANTS REMARKS:**

Reconsideration of the above remark is respectfully requested as Bourgeois is clearly only cited for the indents and protrusions and it is certainly not attachable to a pre-existing externally threaded bottleneck of a beverage container as clearly taught within the newly amended claims.

**EXAMINERS REJECTIONS:**

10. "Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by DeJong et al. (6,415,937).

DeJong discloses, in fig. 4, a bottle cap comprising an upper section and a lower section and an accessory adapter."

**APPLICANTS REMARKS:**

Reconsideration of the above rejection is respectfully requested as DeJong is again non-analogous art as it is a baby bottle. Nowhere in the application is it suggested that this could be used to either enlarge or reduce a threaded beverage container. Also, even if the invention were to be applied to the present use, newly amended claim 6 now further defines the actual adapter and should overcome the rejection.

**APPLICANTS FURTHER REMARKS PERTAINING TO NEW CLAIM 7:**

After careful review of the noted prior art it is contended that a most important feature and advantage of the present invention is that it can be used in combination with a pre-existing bottleneck and a pre-existing bottle cap typically

associated with beverage containers. This is a very novel difference between the noted prior art and the present invention, and thus provides most unusual results heretofore not taught. Therefore, kindly consider new claim 7 for review. Also please note this is not considered new material as this is clearly claimed and addressed with the specification on page 2, lines 1-2 of the first paragraph for your reference.